

Amendment No. 1 to SB2400

Overbey
Signature of Sponsor

AMEND Senate Bill No. 2400

House Bill No. 2483*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-32-101(g)(10), is amended by deleting the subdivision in its entirety and substituting instead the following:

(10) Except as provided in subdivision (g)(17), the petitioner shall pay to the clerk of the court a fee of two hundred fifty dollars (\$250) upon the filing of the petition.

The fee shall be distributed as follows:

(A) Fifty dollars (\$50.00) to the Tennessee bureau of investigation for the purpose of defraying the costs incurred from the additional expunction petitions filed and granted as the result of this subsection (g) or subsection (h);

(B) Ten dollars (\$10.00) to be retained by the clerk;

(C) One hundred forty dollars (\$140) to the district attorneys expunction fund; and

(D) Fifty dollars (\$50.00) to the state general fund.

SECTION 2. Tennessee Code Annotated, Section 40-32-101(g)(17), is amended by deleting the second sentence of the subdivision and substituting instead the following:

Once the petitioner has paid to the clerk of the court a total of two hundred fifty dollars (\$250), the fee shall be allocated by the clerk in the same manner set forth for the disposition of the two hundred fifty dollar (\$250) fee under subdivision (g)(10).

SECTION 3. Tennessee Code Annotated, Section 40-32-101(g)(9), is amended by deleting the subdivision in its entirety.

SECTION 4. Tennessee Code Annotated, Section 40-32-101(g)(12), is amended by deleting the subdivision in its entirety and substituting instead the following:

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(12) There is created within the state treasury a public defenders expunction fund. Subject to appropriation in the general appropriations act, in fiscal year 2015-2016, moneys in the public defenders expunction fund shall be used to defray the expense incurred by conducting the educational activities required pursuant to subdivision (g)(9), as such subdivision existed prior to July 1, 2016. In fiscal year 2015-2016, any remaining moneys in the public defenders expunction fund may be used in furtherance of the services and programs provided by public defenders for each judicial district. At the end of fiscal year 2015-2016, moneys in the public defenders expunction fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year. Subject to appropriation in the general appropriations act, in fiscal year 2016-2017, moneys in the public defenders expunction fund may be used in furtherance of the services and programs provided by public defenders for each judicial district. At the end of fiscal year 2016-2017, moneys in the public defenders expunction fund shall revert to the general fund.

SECTION 5. Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it. All other sections of this act shall take effect July 1, 2016, the public welfare requiring it.